

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 638, 865

CLERK: Senator Brashear would move to amend the committee amendments. (AM1801, Legislative Journal page 2134.)

PRESIDENT MAURSTAD: Senator Brashear, to open on your amendment to the committee amendments.

SENATOR BRASHEAR: Mr. President, thank you, members of the body. We now begin the implementation of what has already been discussed with you. If we can, you...I've described to you how the Brashear amendment would strip out a portion of the committee amendment, and then we would have only LB...what was LB 638 remaining, and that would become LB 865. Senator Dwite Pedersen and Senator Thompson have described for you, I think, a compelling need for what will be this bill. I don't think there's anything else can be added. If you will engage us in this procedural approach, we will be where we want to be. With that, I will yield back the remainder of my time and ask the adoption of the Brashear amendment.

PRESIDENT MAURSTAD: On the Brashear amendment, Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, at this point I want to go ahead and make a comment or two about a proposal in the committee amendments that will not now be offered. It had to do with this issue of alleged frivolous lawsuits by inmates. The Attorney General engineered the Department of Corrections into adopting a rule which would penalize inmates, by taking good time, if they filed what was deemed to be a frivolous lawsuit. Rather than do it by statute, to get that situation corrected, I'm going to take the alternative approach of filing an ethics complaint against the Attorney General for violating the separation of powers and other things. But the court, the Nebraska Supreme Court, in a decision last year, 1998, the case is State ex rel. Tyler v. Douglas County District Court, the citation is 254 Nebraska 852, and at page 856 the Nebraska Supreme Court said, Article I, Section 13 of the Nebraska Constitution provides "All courts shall be open, and every person, for any injury done him and his lands, goods, or person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay." Continuing, the court said, "This section does not